

# **HOME RULE IN RHODE ISLAND: 50 YEARS LATER**

## **INTRODUCTION**

Constitutional home rule had its beginning in Rhode Island in 1951 when, on June 28th of that year, the voters of the State ratified the 28th Amendment to the Rhode Island Constitution [now the 13<sup>th</sup> Amendment]. The amendment, which states in Section 1 that “It is the intention of this article to grant and confirm to the people of every city and town in this state the right of self government in all local matters,” establishes a precise procedure to be followed in implementing the intent of the amendment.

The purposes of this publication are to provide: 1) a summary of the salient features of each **Home Rule** or **Legislative** charter which has been adopted in Rhode Island, 2) an easy community-by-community reference to selected subjects found in most charters, and 3) a compilation of Rhode Island Supreme Court cases dealing with Home Rule.

In general the **Home Rule procedure** in Rhode Island requires the filing of a petition for the adoption of a charter signed by 15% percent of the qualified electors of the community and verification of the signatures on the petition to the legislative body of the city or town within 10 days. Within 60 days thereafter, the legislative body must call an election at which the electors vote on the question: “shall a commission be appointed to frame a charter?”. In the same election 9 citizens are elected on a non-partisan ballot to serve as members of the charter commission.

Under the provisions of the amendment, the charter commission has a period of one year from the date of its election to complete its work of drafting a home rule charter. At the next regular State election following the completion of drafting, the proposed charter is submitted to the electorate for approval or rejection. A majority of those voting on the question is sufficient for adoption. The charter then becomes effective on the date specified in the charter.

**Status of Home Rule:** In the more than 50 years since the Home Rule Amendment was approved, 7 of the state’s 8 cities and 28 of the state’s 31 towns have adopted Home Rule Charters. Two of the state’s municipalities - North Providence and Warwick - have adopted legislative charters. Only 2 communities have not adopted local charters: Richmond and Scituate.

Rhode Island's municipalities operate under 4 different forms of government: 1) mayor-council, 2) council-manager, 3) administrator-council and 4) town council-town meeting. The most significant difference among these forms of government is the manner by which the chief executive is selected. The chief executive is either appointed by the city or town council or elected by the people. Under the town council-town meeting form there is no full-time chief executive. Beyond this basic distinction, differences in the municipal charters are not necessarily related to the particular form of government.

It should be noted that this publication does not attempt to include all boards, commissions and local positions that may exist in the particular city or town. Only those appointments, procedures and provisions specifically mentioned in the charter are included. Frequently, some are established by state general law, special acts or municipal ordinances. Each of these sources should be consulted for additional information on a specific city or town.

**A total of 16 of Rhode Island's 39 cities and towns had charter amendment referenda on the November 2, 2004 ballot. These approved changes, where applicable, have been included in this edition. Additional selected subjects have also been added to the appendix.**

Joseph E. Coduri  
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